

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION**

September 24, 2014

**Room 474 - 9:00 AM
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:06 AM

ADJOURNED: 11:50 AM

**Bureau Manager:
Board Secretary:**

Stephen Duncombe
Ann Naegelin

Board Members Present

Chris Martineau, Acting Chair
Larry Gillett, Burglar Alarm Board Chair
Sean Conlon, Plumber Board Chair
Kevin Clubb, Electrical Board Chair
Jim Haslam
Robert Campbell

Board Members Absent

Jerry Preston, Chairman, excused
Joseph Ligori, excused
Brad Knowlton

Guests:

Will Pierce, DATC
Ross Ford, UHBA
Barbara Verchot, SLCC
Charity Hughes, ABC Utah
Mike Moffatt, UTCLC
Jennifer Saunders, SLCC
Jerry Oldroyd, Ballard Spahn, LLP
Flynn Paulson, QuickEd
Terri Paulson, QuickEd
Sarah Hill, UMCA

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulatory and Compliance Officer
David Furlong, Chief Investigator
Gordon Summers, Investigation Supervisor
Robin Barkdull, Construction CE Coordinator
Boyce Barnes, Construction CE Tech
Kristina Bean, Bureau Manager
Neena Bowen, Compliance Specialist

Danielle Healy, Auditing Technician

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Rules Hearing

Ms. Jonsson conducted rules hearings for the following:
Plumber Licensing Act Rules - R156-55c
Construction Trades Licensing Act Rules - R156-55a,
Prelicensure education
Construction Trades Licensing Act Rules - R156-55a,
fines and misc.
Burglar Alarm Licensing Act Rules - R156-55d.

Approval of August 27, 2014 Minutes

Mr. Gillett made a motion to approve the minutes from the August 27, 2014 meeting. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Investigation Update

Mr. Furlong gave an investigations update. Item was noted with no action taken.

DISCUSSION ITEMS:

Continuing Education Discussion

The Commission continued with their discussion of the proposed changes to the continuing education rules.

The following individuals spoke on the proposed rule:

Sarah Hill
Jerry Oldroyd
Flynn Paulson
Terri Paulson
Ross Ford
Barbara Verchot

Mr. Campbell made a motion to allow non-profit Utah construction trades association involved in the construction trades in the state of Utah whose membership includes at least 25 contractors licensed in Utah and have been in existence for at least five years. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Mr. Gillett made a motion to allow a regionally or nationally accredited college or university to provide continuing education. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Mr. Clubb made a motion to allow commercial providers of continuing education with a location in Utah. Mr. Gillett seconded the motion. After discussion, the motion was withdrawn by Mr. Clubb.

Proposed rules for commercial providers and distance learning will be discussed at the next meeting. The Division will draft language and provide to any interested parties at least two weeks before the meeting.

Closed Portion of Meeting

Mr. Conlon made a motion to close the meeting to discuss the character, professional competence or physical or mental health of an individual. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

The meeting was reopened to the public.

Jasen Stuart Hamilton
Notice of Agency Action
Failure to Comply with Probation

Mr. Gillett made a motion to revoke the license and issue a \$2,000 fine to Jasen Stuart Hamilton for non compliance with probation. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Ironwood Custom Inc
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Andrew J Cunningham
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Brant Ryan Winter
Order Reinstating

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Stowe Building Company
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Sundance Demolition Inc
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

United Fence Company
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

A-K Flooring LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Fancy Builder LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Masonry Systems Inc
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Christopher Daniel Gipe
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

City Garden LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Double U Inc
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Lexicon Inc
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

ATF Enterprises LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Automated Heating and Air Conditioning Inc
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Travis Larsen Construction LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Xcellence Inc
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Technique Construction LLC
Order of Dismissal

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Avalanche Construction Inc
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Ryan Michael Leavitt
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Maile Fihi Kinikini
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Stone Crest Construction LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Innovative Contractors LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Wetsel Heating & Air Conditioning LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Obsidian Construction LLC
Cease and Desist Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Wood World Install LLC
Stipulation and Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

David Taft Merrill
Order Reinstating License

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Just Pushing Dirt
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

New Harmony Homes Development LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Teri Hendricks Keele
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Moncrete Inc
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Shaw Electric LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Renaissance Builders LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Solar Construction LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Lyle Mark Stewart
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Beehive Telephone
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

CR Hunt Construction LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Trec Excavating LLC
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Thurgood Excavating Inc
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Matthew Ivan Thomas
Default Order

Mr. Duncombe reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Haslam seconded the motion. Motion passed by unanimous vote.

Probation Update

Ms. Bowen reported on the 24 licensees on probation for criminal history. Twenty three are compliant, one is non compliant. Jasen Stuart Hamilton met with the Commission to discuss his non compliance.

Ms. Healy reported on the 148 licensees on probation for financial reasons. One hundred and thirty seven are in compliance.

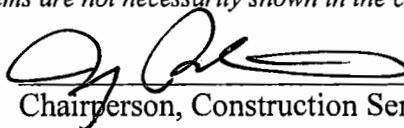
ADJOURN:

11:50 AM

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

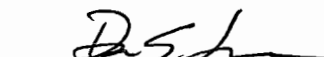
10-29-14

Date Approved


Chairperson, Construction Services Commission

10-29-14

Date Approved


Bureau Manager, Division of Occupational & Professional
Licensing

SWORN STATEMENT
SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I Chris Martineau acted as the presiding member of the CONST-SERVICES COMM.
Board, which met on _____

Appropriate notice was given of the Board's meeting as required by §52-4-202.

A quorum of the Board was present at the meeting and voted by at least a two-thirds vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a))
- strategy regarding pending or reasonably imminent litigation (§52-4-205(1)(c))
- deployment of security personnel, devices, or systems (§52-4-205(1)(f))
- investigative proceedings regarding allegations of criminal misconduct (§52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a) the reason or reasons for holding the closed meeting;
- (b) the location where the closed meeting will be held; and
- (c) the vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent; and
- (c) the names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Pursuant to §52-4-206(5), a sworn statement is required to close a meeting under §52-4-205 (1)(a) or 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

A record was not made

A record was made by: Tape Recording Detailed Written Minutes

Pursuant to §52-4-206(1), a record by tape recording is required for a meeting closed under §52-4-205(1)(c) or 52-4-205(1)(g), and was made.

Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

Chris Martineau
Board Chairman or other Presiding Member

9/24/14
Date of Signature